

1 **PERMANENT INJUNCTION**

2 A permanent injunction is hereby issued pursuant to 15 *U.S.C.* § 1116 that shall enjoin
3 and restrain Kenneth Dean Affolter, individually and doing business as Beyond Bomb and his
4 partners, agents, servants, employees, representatives, licensees, manufacturers and distributors,
5 jointly and severally, from:

6 (i) Utilizing in any way the trademarks and related trade dress owned or
7 licensed by the Hershey Company or Hershey Chocolate & Confectionery Corporation
8 (hereinafter collectively referred to as "Hershey"), including but not limited to the famous
9 ALMOND JOY, GOOD & PLENTY, JOLLY RANCHER, HERSHEY'S, KIT KAT, KISSES,
10 KRACKEL, MOUNDS, REESE'S, MR. GOODBAR, TWIZZLERS, and YORK trademarks (the
11 "Trademarks");

12 (ii) Manufacturing, marketing, advertising, distributing, selling, promoting,
13 licensing, exhibiting or displaying any product or service using the Trademarks or any copies or
14 counterfeits thereof or anything confusingly similar thereto; and

15 (iii) Otherwise infringing on the Trademarks; and

16 (iv) Using any false description, representation, or designation, or otherwise
17 engaging in conduct that is likely to create an erroneous impression that Defendant's products
18 are endorsed by Hershey or any related company, sponsored by Hershey or any related company,
19 or are connected in any way with Hershey or any related company; and

20 (v) Interfering in the existing contracts or business expectancies of Hershey in
21 any manner whatsoever; and

22 (vi) Using the Trademarks in any manner whatsoever; and

23 (vii) Holding himself out as a licensee or otherwise authorized user of the
24 Trademark; and

25 (viii) Using the Trademarks in promotional literature or materials, including
26 those posted on the Internet.

27 Pursuant to 15 *U.S.C.* § 1118, within thirty days (30) of the date affixed below,
28 Defendant is required to deliver to the Court, or to some other person that the Court may

1 designate, for ultimate destruction, any and all articles of merchandise or other items in the
2 possession or control of Defendant which might, if sold or distributed for sale, violate the
3 injunction granted herein;
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5 IT IS SO ORDERED
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7 Dated:

UNITED STATES DISTRICT COURT JUDGE

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PROOF OF SERVICE

State of California)
) ss.
County of Los Angeles)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 633 West Fifth Street, 21st Floor, Los Angeles, California 90071.

On January 11, 2008, I served the document described as **PERMANENT INJUNCTION** on the interested parties in this action, enclosed in a sealed envelope, addressed as follows:

Kenneth Dean Affolter
#93480-111
FCI Lompoc
3600 Guard Road
Lompoc, CA 93436

[X] **(By Mail)** Following ordinary business practices, I placed the document for collection and mailing at the offices of Holland & Knight LLP, 633 West Fifth Street, 21st Floor, Los Angeles, California 90071, in a sealed envelope. I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and, in the ordinary course of business, such correspondence would be deposited with the United States Postal Service on the day on which it is collected at the business.

[] **(BY UPS)** Following ordinary business practices, I placed the document for collection and UPS delivery at the offices of Holland & Knight LLP, 633 West Fifth Street, 21st Floor, Los Angeles, California 90071. I am readily familiar with the business' practice for collection and processing of correspondence for delivery by UPS, and, in the ordinary course of business, such correspondence would be deposited with UPS on the day on which it is collected at the business.

[] **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee stated on the attached service list.

Executed on January 11, 2008, Los Angeles, California

 X I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Conchita Nickles